

CITY COUNCIL
CITY OF WICHITA
KANSAS

City Council Meeting
9:00 A.M., May 18, 2004

City Council Chambers
455 North Main

ORDER OF BUSINESS

- Call to Order
 - Invocation
 - Pledge of Allegiance
 - Approve the minutes of the previous meeting
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AWARDS AND PRESENTATIONS

- Proclamations
 - Citizens Academy Graduation.
 - Recognition of City Employees-“Shining Stars”.
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PUBLIC AGENDA

1. Wichita Area Builders Association and Jay Russell-Request for the City Council to Approve Sub-division Consent Items at Workshops.
(Represented by Wes Galyon)
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UNFINISHED BUSINESS

2. Naming of Fire Station 10.
(Deferred April 6, 2004)

RECOMMENDED ACTION: Approve the name of Charles Shoots as the
official name for Fire Station 10.

NEW BUSINESS

3. Public Hearing and Request for Letter of Intent for Industrial Revenue Bonds, Ethanol Products, LLC.
(District II)

Ethanol Products, LLC (Ethanol) is requesting the issuance of a one-year letter of intent for Industrial Revenue Bonds (IRBs) in an amount not to exceed \$2,000,000. Bond proceeds will be used to finance the cost of acquiring, constructing and equipping a company headquarters facility.

RECOMMENDED ACTION: Close the public hearing and approve a Letter of Intent to Ethanol Products, LLC for Industrial Revenue Bonds in an amount not to exceed \$2,000,000, subject to the Standard Letter of Intent Conditions, for a term of one-year, and approve a 100% tax abatement on all bond-financed property for an initial five-year period plus an additional five-years following City Council review; and authorize the necessary signatures.

4. DR2004-0005-Proposed Amendment to the April 19, 2001 Edition of the Wichita-Sedgwick County Unified Zoning Code (UZC) to Article III-D.6ff and Article VII-J, Pertaining to Sexually Oriented Business in the County.

Regulations for sexually oriented businesses were added to the Unified Zoning Code ("UZC") in 2001 to correspond to Sedgwick County's Adult Entertainment Code. The proposed changes are being requested to maintain the alignment of the Unified Zoning Code with the recent Adult Entertainment Code revisions (March 4, 2004) of Sedgwick County.

RECOMMENDED ACTION: 1. Concur with the findings of the MAPC and approve proposed amendment to the Unified Zoning Code, place the Ordinance on the first reading, or
2. Return the application to the MAPC for reconsideration.

5. Memorandum of Understanding-Animal Facilities Partnership.

The City of Wichita and the Kansas Humane Society have provided animal care and shelter facilities to the citizens of Wichita in a similar and cooperative manner for many years. Both organizations have inadequate facilities to accommodate the increased animal populations and the growing needs for animal care and sheltering.

RECOMMENDED ACTION: (1) approve the Memorandum of Understanding;
(2) authorize Staff to work with the Kansas Humane Society in the development of a negotiated Project Agreement; and
(3) develop for subsequent Council approval a plan for joint funding of preliminary architectural and environmental reviews necessary to identify conceptual design considerations and estimated project costs.

6. Change Order: Old Town Parking Lot at 132 North Mosley. (District VI)

On September 9, 2003, the City Council approved a project to acquire a building at 132 N. Mosley, demolish it and construct a parking lot on the site. The Council did not approve the add alternate to construct a primary wall along the east side of the lot nor an add alternate to build a trash enclosure.

RECOMMENDED ACTION: Approve the Change Order and
authorize the necessary signatures.

CITY COUNCIL AGENDA

7. Board Appointments.

RECOMMENDED ACTION: Make the appointments.

CONSENT AGENDA

8. Report of the Board of Bids and Contracts Dated May 17, 2004.

RECOMMENDED ACTION: Receive and file report; approve Contracts;
authorize necessary signatures.

9. Application for License to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2004</u>	<u>(Consumption off Premises)</u>
Van Phillips	On the Road	1622 South West street

RECOMMENDED ACTION: Approve license subject to Staff review and approval.

10. Preliminary Estimates:

- a) 2004 Wheelchair Ramp & Sidewalk - Phase 1 - north of Harry, east of Meridian. (472-83966 /706879 204345) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,VI) - \$190,900
- b) Lateral 365 Four Mile Creek Sewer to serve Krug North Addition - north of 21st Street North, west of 143rd Street East. (468-83788/744051/480739) Does not affect existing traffic. (District II) - \$321,000
- c) Water distribution system to serve Krug North Addition - north of 21st Street North, west of 143rd Street East. (448-89934/735186/470856) Does not affect existing traffic. (District II) - \$125,000

RECOMMENDED ACTION: Approve and file.

11. Deeds and Easements:

- a) Sanitary Sewer Easement from the City of Wichita, a Municipal Corporation for a tract of land located in the drainage dedication as dedicated in the plat of The Dugan Centre, and Addition to Wichita, Kansas (Texas Roadhouse, OCA #607861). No cost to City.
- b) Waterline easement from the City of Wichita, a Municipal Corporation for a tract of land located in the drainage dedication as dedicated in the plat of The Dugan Centre, and Addition to Wichita, Kansas (Texas Roadhouse, OCA #607853). No cost to City.
- c) Dedication dated August 12, 2003, from Michael D. and Deborah K. Ammerman for a tract of land located in Lot 10, Block 3, Leewood Heights Fourth Addition to Sedgwick County, Kansas (Proj. 472-83474, OCA #765717). No cost to City.
- d) Dedication dated August 26, 2003 from Daniel K. and Selma S. Thompson for a tract of land located in Lot 1, Block 1, Leewood Heights Fourth Addition to Sedgwick County, Kansas (Proj. 472-83474, OCA #765717). No cost to City.

RECOMMENDED ACTION: Accept documents.

12. Statement of Cost:

- a) (First Amended Partial) Estimate of Cost for Hillside, Kellogg to Central - \$157,139; less financing previously issued - \$0. Financing to be issued at this time - \$157,139. (706867/472-83862/204-333).

RECOMMENDED ACTION: Approve and file.

13. Petitions for Public Improvements:

- a) Construct a storm sewer drain in Krug North Addition, north of 21st Street, west of 143rd Street East. (District II)
- b) Construct a water distribution system to serve Lot 11, Block 3, Westbreeze Addition, south of 2nd Street, west of West Street. (District IV)
- c) Paving, sanitary sewer, storm water Sewer and water distribution system to serve Fox Ridge Addition, east of Maize, north of 29th Street North. (District V)
- d) Sanitary sewer and drainage improvements for Hidden Glen Addition, west of Hydraulic, between 44th and 45th Street South. (District III)
- e) Sanitary sewer and water distribution system for DeWitt Fourth Addition, south of Pawnee, east of West Street. (District IV)
- f) Sanitary sewer and water distribution system to serve part of Kansas Surgery and Recovery Center Addition, east of Webb, south of 29th Street North. (District II)

RECOMMENDED ACTION: Approve Petitions; adopt Resolutions.

14. Consideration of Street Closures/Uses.

RECOMMENDED ACTION: Approve street closures/uses.

15. Report on Claims Allowed – April, 2004.

<u>Name of Claimant</u>	<u>Amount</u>
Brown, Brenda	\$110.00**
Cherrywood Construction, Inc.	\$206.81
Dayvault, David	\$121.06
Formsma, Laura	\$223.00
Hanley, Fred	\$284.00**
Howard, Patrick	\$366.32
Kansas Gas Svc.	\$665.48
Krauer, Matthew	\$232.00
Leon, Nicolle N.	\$229.61
Moore Engineering Services	\$660.00
Mosier, Beth	\$77.81
Sedgwick County Soccer Association	\$425.00
Shore, Derek and Liz	\$746.00**
Smith, Thaddeus Brumley	\$1,903.65
Warner, Robert	\$59.00

** Settled for lesser amount than claimed.

RECOMMENDED ACTION: Receive and file.

16. Agreements/Contracts:

- a) Agreement for removal of abandoned railroad crossings. (Districts IV & V)
- b) Contract for solid waste collection with A-1 Trash Service.
- c) Special Liquor Tax Contract renewals and request for proposals (RFP).

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

17. Design Services Agreements:

- a) Krug North Addition, north of 21st Street, west of 143rd Street East. (District II)
- b) Fawn Grove at Sunset Lakes, south of Kellogg, west of Greenwich. (District II)
- c) Brooks C & D Landfill Operations Contract – supplemental. (District VI)

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

18. Repair or Removal of Dangerous and Unsafe Structures.

	<u>Address</u>	<u>District</u>
a)	511 North Wabash (commercial building)	I

RECOMMENDED ACTION: Adopt Resolution setting the Public Hearing on July 13, 2004, at 9:30 a.m., or soon thereafter.

19. Blanket Purchase Orders Renewal Options-April 2004.

RECOMMENDED ACTION: Receive and file.

20. Expense for Senior Management.

RECOMMENDED ACTION: Receive and file.

21. 2005 Fire Apparatus Replacement Program.

RECOMMENDED ACTION: Approve the project; adopt the bonding Resolution and authorize the necessary signatures.

22. FY2003/04 Weed and Seed Program. (District I)

RECOMMENDED ACTION: Approve the receipt of funds.

23. Crestview Country Club Interceptor Sewer. (District II)

RECOMMENDED ACTION: Approve the acquisition of easements from Crestview Country Club for \$250,000; approve the supplemental engineering agreement with Ruggles & Bohm for \$93,798; approve the transfer of \$1,600,000 from; S-5 to S-532; approve the amended Resolution; and authorize the necessary signatures.

24. 2004 and 2005 Traffic Signalization Program. (Districts I, II, IV & V)

RECOMMENDED ACTION: Approve the project and adopt the Resolution.

25. Municipal Court Interactive Voice Response (IVR)-Selection of Vendor.

RECOMMENDED ACTION: Approve the Court IVR project and contract; approve the necessary fund transfers; and authorize the necessary signatures.

26. Operating System Replacement-Hardware Purchase.

RECOMMENDED ACTION: Approve a sole source purchase from Logic Controls.

27. Settlement of Lawsuit-Conrady v. City of Wichita-Case No. 03 CV 2833.

RECOMMENDED ACTION: Approve a settlement payment in Case No. 03 CV 2833 of \$20,000.

28. Sale of Surplus Property - Located Adjacent to 8630 West Kellogg. (District V)

RECOMMENDED ACTION: Approve sale and Contracts; authorize necessary signatures.

29. Second Reading Ordinances: (First read May 4, 2004)

- a) An Ordinance authorizing the City of Wichita, Kansas to issue its Health Care Facilities Refunding and Improvement Revenue Bonds, Series III, 2004 (Presbyterian Manors, Inc.) in the aggregate principal amount of not to exceed \$24,000,000 for the purposes of refunding certain outstanding City of Wichita, Kansas, Bonds and paying the cost of renovating and equipping certain health care facilities; prescribing the form and authorizing execution of an eighth supplemental bond indenture by and between the City and BNY Trust Company of Missouri, as Bond Trustee; prescribing the form and authorizing the execution of a seventh supplemental lease agreement by and between Presbyterian Manors, Inc. and the City; approving the form of the guaranty agreement to be executed in connection with the issuance of said bonds; authorizing execution of a tax compliance agreement by and among the issuer, the bond trustee and Presbyterian Manors, Inc.; authorizing execution of an escrow deposit agreement by and among the issuer, BNY Trust Company of Missouri, as escrow trustee, and Presbyterian Manors, Inc.; and authorizing the execution of a bond purchase agreement by and between the City, Presbyterian Manors, Inc. and Ziegler Capital Markets Group, as underwriter of the bonds.

(First read May 11, 2004)

- b) DR2002-00001 - generally located south of 18th Street, west of the Union Pacific/BNSF Railroad, north of Murdock Street and east of The Little Arkansas River.
- c) An Ordinance adopting the Midtown Neighborhood Plan as an amendment to the Wichita-Sedgwick County Comprehensive Plan. (DR2002-00001)

RECOMMENDED ACTION: Approve second reading of the Ordinances.

30. First Reading Ordinances:

a) Building condemnations.

An Ordinance making a special assessment to pay for the removal of certain structures, being dangerous and unsafe buildings which have been declared a nuisance (building condemnation) under the provision of Sections 18.16.010 to 18.16.090 of the Code of the City of Wichita, Kansas.

b) Sidewalk cleaning.

An Ordinance making a special assessment to provide a tax levy for the cost of sidewalk cleaning in the City of Wichita, Kansas.

RECOMMENDED ACTION: Approve first reading of Ordinances.

PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

* Consent Items

31. *SUB2003-110-Plat of Sand Plum Addition, located south of 45th Street North, on the west side of Webb Road. (District II)

RECOMMENDED ACTION: Approve the documents and plat; authorize the necessary signatures and adopt the Resolutions.

32. *SUB2003-139-Plat of Brentwood South Second Addition, located on the north side of Pawnee, East of Webb Road. (District II)

RECOMMENDED ACTION: Approve the documents and plat; authorize the necessary signatures and adopt the Resolutions.

33. *SUB2004-05-Plat of Turkey Creek Addition, located on the north side of Pawnee and on the west side of 119th Street West. (District IV)

RECOMMENDED ACTION: Approve the documents and plat; authorize the necessary signatures and adopt the Resolutions.

34. *SUB2004-08-Plat of Reed's Cove Third Addition, located east of 127th Street East, on the south side of 21st Street North. (District II)

RECOMMENDED ACTION: Approve the documents and plat; authorize the necessary signatures and adopt the Resolutions.

35. A04-14-Request by Mr. Rogers to annex land generally located to the southeast of the intersection of Hillside and 53rd Street North. (District I)

RECOMMENDED ACTION: Approve the annexation request and first reading of the Ordinance.

36. A04-15-Request by Ritchie Investments Co. to annex land generally located to the northwest of the intersection of Ridge Road and 37th Street North. (District V)

RECOMMENDED ACTION: Approve the annexation request and first reading of the Ordinance.

37. A04-16-Request by Blue Lake, LLC and Big Lake, Inc. to annex lands generally located to the northwest of the intersection of West Street and MacArthur Road. (District VI)

RECOMMENDED ACTION: Approve the annexation request and first reading of the Ordinance.

AIRPORT AGENDA

NOTICE: The City Council is meeting as the governing body of the Airport for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

38. Sublease Agreement-Wichita Airport Facilities & Cessna Aircraft Company.

RECOMMENDED ACTION: Approve the sublease agreement, and authorize the necessary signatures.

Adjournment
